



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5143 OF 2025

Gopabai Nagorao Pote

.. Petitioner

Versus

The State Of Maharashtra
Through The Secretary And Others

.. Respondents

Mr. Gopal D. Kale, Advocate for the Petitioner.
Mr. K. B. Jadhavar, AGP for Respondents/State.

CORAM : KISHORE C. SANT, J.

DATED : 07th MAY, 2025.

P C. :-

. Heard learned advocate for the petitioner and learned A.G.P for respondents.

2. The petitioner is elected as a unopposed member of Grampanchayat Yenda Penda, Taluka Kinwat, District Nanded in by election held on 18.05.2023 from the seat reserved for Scheduled Tribe (female) category. However, the petitioner could not submit caste validity certificate within one year in view of Section 10-1A of the Maharashtra Village Panchayats Act (for short "the said Act"). The learned Collector, Nanded by order dated 26.03.2025 declared the petitioner disqualified to hold the post of member. The petitioner is,

therefore, before this Court.

3. The learned advocate for the petitioner points out the ordinance namely Maharashtra Ordinance No. 3/2025 providing for extension of period for submitting validity certificate. In view of clause (ख) of Section 3 (1) all the persons who have been elected on the reserved post and failed to produce caste validity certificate are protected if the election has taken place after 01.08.2022. In the present case, the petitioner is elected after that date by election. It is also informed that, by now she has also submitted the caste validity certificate on 26.12.2024.

4. This Court thus finds that, the ordinance is applicable to the case of the present petitioner. Clause (ख) is, however, subject to exception provided in sub section (2) of Section (3). Considering that, if no post of the petitioner is filled in by now, the order passed by the learned Collector is quashed and set aside. The petition is, therefore, allowed in terms of prayer clause (C) if there is no impediment of clause (2) of the ordinance.

5. The writ petition stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.